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EXAMINER	
SEREBOFF, NEAL	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/758,922	KUNZE ET AL.	
	Examiner	Art Unit	
	NEAL R. SEREBOFF	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/21/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 54 are pending and the Information Disclosure Statement (PTO-1449) submitted on 6/21/2004 has been considered.

Claim Objections

2. Claim 12 is objected to because of the following informalities: Claim 12 includes "(C)includes" that should be "(C) includes." Appropriate correction is required.

3. Claim 32 is objected to because of the following informalities: Claim 32 includes "The program as recited in claim 21" that is understood to be "The program as recited in claim 31." Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1 – 54 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- Claims 1 – 30 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, a § 101 process must (1) be tied to a machine (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In re Bilski, F.3d, 88 U.S.P.Q.2d 1385 (2008). Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876). The process steps in claims (1 – 30) are not tied to a machine nor do they execute a transformation. Thus, they are non-statutory.

- Regarding claims 31 – 54, the claims appear to be software per se without any structural requirements. Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and USPTO personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material. (MPEP §2106.01) Claims 32 – 46 and 48 – 54 are rejected for the same reason as they are dependent upon respective independent claims 31 and 47. The Applicant should see Beauregard et al., U.S. Patent 5,710,578 for acceptable claim language.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim includes the abbreviation, PNR, without including what PNR means. The Examiner understands that PNR is explained in Detailed Description, paragraph 4, to be a passenger name record.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. ***Claims 23, 28 – 30, 47 and 52 – 54*** are rejected under 35 U.S.C. 102(e) as being anticipated by Eizenburg et al., U.S. Pre-Grant Publication 2002/ 0026336.

10. As per claim 23,

Eizenburg further teaches a method for automatically generating a routine during operation of a transaction software application operating on a computer, the steps comprising:

(A) Monitoring and capturing transaction data entered into the software application (paragraphs 42 and 45 – 47 where data is inputted and paragraphs 3 and 10 where the data can be stored);

(B) Identifying a predetermined data sequence in the data entered into the software application (paragraphs 42 and 91, nested link to travel insurance);

(C) After step (B), executing a routine offering a sales package related to the transaction software application (figure 39), wherein the sales package can be accepted or declined (figure 41); and

(D) If the sales package is accepted at step (C), launching a sales order data entry form and pre-populating the form with previously captured data (figure 42. The Examiner notes that this step is only performed if the package is accepted. Therefore, step D is not performed as the package is not accepted and examination below assumes that the method ends at step C.).

11. As per claim 28, Eizenburg teaches the method of claim 23 as described above. Eizenburg further teaches the method wherein step (D) further comprises generating the

launching the form locally at the computer (This step is not performed and therefore has no patentable weight).

12. As per claim 29, Eizenburg teaches the method of claim 23 as described above. Eizenburg further teaches the method wherein step (D) further comprises generating the form remotely at a World Wide Web server over the Internet (This step is not performed and therefore has no patentable weight).

13. As per claim 30, Eizenburg teaches the method of claim 23 as described above. Eizenburg further teaches the method comprising the step of populating the transaction software application with data received at the routine (paragraph 82, where the information is grouped together for display).

14. As per claim 47,

Eizenburg further teaches a program to be executed on a computer system for activating a secondary process in parallel with a primary process that receives data, the program configured to:

1) Monitor and capture transaction data entered into the software application (paragraphs 42 and 45 – 47 where data is inputted and paragraphs 3 and 10 where the data can be stored);

2) Identify a predetermined data sequence in the data entered into the software application (paragraphs 42 and 91, nested link to travel insurance);

3) Execute a routine offering a sales package related to the transaction software application (figure 39), wherein the sales package can be accepted or declined (figure 41); and

4) If the sales package is accepted, launch a sales order data entry form and pre-populate the form with previously captured data (figure 42. The Examiner notes that this step is only performed if the package is accepted. Therefore, step D is not performed as the package is not accepted and examination below assumes that the method ends at step C.).

15. As per claim 52, Eizenburg teaches the program of claim 47 as described above. Eizenburg further teaches the program wherein the stored program generates the form locally at the computer (This step is not performed and therefore has no patentable weight).

16. As per claim 53, Eizenburg teaches the program of claim 47 as described above. Eizenburg further teaches the program wherein the stored program generates the form remotely at a World Wide Web server over the Internet (This step is not performed and therefore has no patentable weight).

17. As per claim 54, Eizenburg teaches the program of claim 47 as described above. Eizenburg further teaches the program wherein the stored program populates the primary process with data received at the secondary process (paragraph 82, where the information is grouped together for display).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. ***Claims 1 – 22 and 31 – 46*** are rejected under 35 U.S.C. 103 (a) as being unpatentable over Eizenburg et al., U.S. Pre-Grant Publication 2002/ 0026336 in view of Kleinberg, U.S. Pre-Grant Publication 2001/ 0037265.

20. As per claim 1, Eizenburg teaches a method for facilitating travel insurance sales on a computer system that is receiving data during a travel reservation purchase routine, the method comprising the steps of:

(A) Monitoring data streams of at least one data sequence relevant to the travel reservation purchasing routine (paragraphs 42 and 45 – 47 where data is inputted and paragraphs 3 and 10 where the data can be stored);

(B) Identifying a predetermined data stream in the data sequence (paragraphs 42 and 91, nested link to travel insurance);

(D) Outputting a travel insurance policy (paragraph 75 where the information is summarized. The outputted data is considered non-functional descriptive information).

Eizenburg does not explicitly teach the method comprising:

(C) After step B, executing a travel insurance purchase routine, including:

i. Launching at least one form with data fields that are to be completed related to purchasing travel insurance (paragraph 91); and

ii. Populating at least a portion of the data fields with data previously entered during the travel reservation purchase routine (paragraph 47, fields are automatically populated); and

However, Kleinberg further teaches the method comprising:

(C) After step B, executing a travel insurance purchase routine, including:

i. Launching at least one form with data fields that are to be completed related to purchasing travel insurance (paragraph 5); and

ii. Populating at least a portion of the data fields with data previously entered during the travel reservation purchase routine (paragraph 7 and paragraph 9 where the data is updated through hyperlinks); and

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into Eizenburg. One of ordinary skill in the art would have added these features:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
- With the motivation to provide a novel technique by which the sale of regulated and/ or licensed services, such as insurance, may be efficiently and legally conducted over the World Wide Web without endangering the integrity of the regulatory and licensing systems (Kleinberg, paragraph 16).

21. As per claim 2, Eizenburg in view of Kleinberg teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein the data sequence is input data (paragraphs 42 and 45 – 47 where data is inputted).

22. As per claim 3, Eizenburg in view of Kleinberg teaches the method of claim 2 as described above. Eizenburg further teaches the method wherein the data sequence is text data

related to a legacy mainframe computer system (paragraph 3 where the data is presented to a client computer from a server or a main computer).

23. As per claim 4, Eizenburg in view of Kleinberg teaches the method of claim 3 as described above. Eizenburg further teaches the method wherein the computer system includes a processor, a data entry device, and an interface between the entry device and the processor, wherein step (A) further comprises monitoring the interface (paragraph 25 – 27 server with associated web pages).

24. As per claim 5, Eizenburg in view of Kleinberg teaches the method of claim 3 as described above. Eizenburg further teaches the method wherein the computer system comprises at least one of a Global Distribution System and a Computer Reservation System (paragraph 27, global distribution system and reservation).

25. As per claim 6, Eizenburg in view of Kleinberg teaches the method of claim 5 as described above. Eizenburg further teaches the method wherein data streams further comprise PNR data (paragraph 61 and 76).

26. As per claim 7, Eizenburg in view of Kleinberg teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein step (A) further comprises storing the data streams in memory (paragraphs 3 and 10 where the data can be stored).

27. As per claim 8, Eizenburg in view of Kleinberg teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein the predetermined data stream indicates a likelihood that a travel reservation will be finalized (paragraph 38 and 39 where the likelihood is considered the intended use of the method and therefore has no patentable weight).

28. As per claim 9, Eizenburg in view of Kleinberg teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein step (C) further includes launching a window offering an option to purchase travel insurance (paragraph 4 and paragraph 88).

29. As per claim 10, Eizenburg in view of Kleinberg teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein step (C) includes generating the form locally at the computer system (paragraph 3, client computer).

30. As per claim 11, Eizenburg in view of Kleinberg teaches the method of claim 10 as described above. Eizenburg further teaches the method comprising establishing a connection with a web server over the Internet, and forwarding data related to the travel insurance purchase routine to the web server (paragraph 3).

31. As per claim 12, Eizenburg in view of Kleinberg teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein step (C)includes establishing a connection with a web server over the Internet, and generating the form remotely at the web server (figure 1, #25 and #20A).

32. As per claim 13, Eizenburg in view of Kleinberg teaches the method of claim 1 as described above. Eizenburg further teaches the method comprising forwarding information related to the travel insurance purchase routine to the web server (paragraphs 31, 80, 82, 88, 89 and 91).

33. As per claim 14, Eizenburg in view of Kleinberg teaches the method of claim 1 as described above. Eizenburg further teaches the method comprising the step of:

(E) after step (D), returning to the travel reservation purchase routine (paragraphs 83 - 91 where each page is separate and the user can click each independently).

34. As per claim 15, Eizenburg in view of Kleinberg teaches the method of claim 14 as described above. Eizenburg further teaches the method wherein step (E) includes populating data entered during the travel insurance purchase routine into the travel reservation purchase routine (paragraph 82, where the information is grouped together for display).

35. As per claim 16, Eizenburg in view of Kleinberg teaches the method of claim 15 as described above. Eizenburg further teaches the method wherein the populated data includes accounting information (figures 42 and 43, costs).

36. As per claim 17, Eizenburg in view of Kleinberg teaches the method of claim 16 as described above. Eizenburg further teaches the method wherein the data populated into the travel reservation purchase routine includes information related to travel insurance purchased (figure 42, price).

37. As per claim 18, Eizenburg in view of Kleinberg teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein step (C) further comprises populating data fields with information regarding at least one of 1) an identity of one of the purchasers and 2) details related to the travel reservation (figure 45, details).

38. As per claim 19, Eizenburg in view of Kleinberg teaches the method of claim 1 as described above.

Eizenburg further teaches the method

Eizenburg does not explicitly teach the method wherein step (C) further comprises the step of offering multiple insurance "products to select from to" purchase.

However, Kleinberg further teaches the method wherein step (C) further comprises the step of offering multiple insurance "products to select from to" purchase (paragraph 32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Eizenburg. One of ordinary skill in the art would have added this feature:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
- With the motivation to provide a novel technique by which the sale of regulated and/ or licensed services, such as insurance, may be efficiently and legally conducted over the World Wide Web without endangering the integrity of the regulatory and licensing systems (Kleinberg, paragraph 16).

39. As per claim 20, Eizenburg in view of Kleinberg teaches the method of claim 1 as described above. Eizenburg further teaches the method wherein step (C) further comprises providing an option to accept or decline travel insurance (figure 40, where the entire package can be declined/ accepted including travel insurance).

40. As per claim 21, Eizenburg in view of Kleinberg teaches the method of claim 20 as described above. Eizenburg further teaches the method comprising the step of, generating a database including a summary of information entered during step (C) (paragraph 69).

41. As per claim 22, Eizenburg in view of Kleinberg teaches the method of claim 21 as described above. Eizenburg further teaches the method wherein at least one of steps A-D are performed by a travel agency (Abstract), wherein the database includes a summary of information related to the travel agency (paragraph 10).

42. As per claim 31, Eizenburg teaches a stored program that is executed on a computer system for facilitating travel insurance sales in parallel with a travel reservation purchase routine, the program configured to:

1) Monitor data streams of at least one data sequence relevant to the travel reservation purchasing routine (paragraphs 42 and 45 – 47 where data is inputted and paragraphs 3 and 10 where the data can be stored);

2) Identify a predetermined data stream in the data sequence (paragraphs 42 and 91, nested link to travel insurance);

4) Provide a travel insurance policy (paragraph 75 where the information is summarized. The outputted data is considered non-functional descriptive information).

Eizenburg does not explicitly teach the computer program comprising:

3) Execute a travel insurance purchase routine that

A) Launches at least one form with data fields that are to be completed related to purchasing travel insurance (paragraph 91); and

B) Populates at least a portion of the data fields with data previously entered during the travel reservation purchase routine (paragraph 47, fields are automatically populated); and

However, Kleinberg further teaches the computer program comprising:

3) Execute a travel insurance purchase routine that

A) Launches at least one form with data fields that are to be completed related to purchasing travel insurance (paragraph 5); and

B) Populates at least a portion of the data fields with data previously entered during the travel reservation purchase routine (paragraph 7 and paragraph 9 where the data is updated through hyperlinks); and

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into Eizenburg. One of ordinary skill in the art would have added these features:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
- With the motivation to provide a novel technique by which the sale of regulated and/ or licensed services, such as insurance, may be efficiently and legally conducted over the World Wide Web without endangering the integrity of the regulatory and licensing systems (Kleinberg, paragraph 16).

43. As per claim 32, Eizenburg in view of Kleinberg teaches the program of claim 31 as described above. Eizenburg further teaches the program wherein the data sequence is input data (paragraphs 42 and 45 – 47 where data is inputted).

44. As per claim 33, Eizenburg in view of Kleinberg teaches the program of claim 32 as described above. Eizenburg further teaches the program wherein the data sequence is text data

related to a legacy mainframe computer system (paragraph 3 where the data is presented to a client computer from a server or a main computer).

45. As per claim 34, Eizenburg in view of Kleinberg teaches the program of claim 33 as described above. Eizenburg further teaches the program wherein the computer system includes a processor, a data entry device, and an interface between the entry device and the processor, wherein the stored program monitors data streams via the interface (paragraph 25 – 27 server with associated web pages).

46. As per claim 35, Eizenburg in view of Kleinberg teaches the program of claim 31 as described above. Eizenburg further teaches the program wherein the computer system comprises at least one of a Global Distribution System and a Computer Reservation System (paragraph 27, global distribution system and reservation).

47. As per claim 36, Eizenburg in view of Kleinberg teaches the program of claim 35 as described above. Eizenburg further teaches the program wherein data streams further comprise PNR data (paragraph 61 and 76).

48. As per claim 37, Eizenburg in view of Kleinberg teaches the program of claim 31 as described above. Eizenburg further teaches the program wherein the stored program is further configured to store the data streams in memory (paragraphs 3 and 10 where the data can be stored).

49. As per claim 38, Eizenburg in view of Kleinberg teaches the program of claim 31 as described above. Eizenburg further teaches the program wherein the predetermined data stream indicates a likelihood that a travel reservation will be finalized (paragraph 38 and 39 where the likelihood is considered the intended use of the method and therefore has no patentable weight).

50. As per claim 39, Eizenburg in view of Kleinberg teaches the program of claim 31 as described above. Eizenburg further teaches the program wherein the stored program is further configured to launch a window offering an option to purchase travel insurance (paragraph 4 and paragraph 88).

51. As per claim 40, Eizenburg in view of Kleinberg teaches the program of claim 31 as described above. Eizenburg further teaches the program wherein the form is generated locally at the computer system (paragraph 3, client computer).

52. As per claim 41, Eizenburg in view of Kleinberg teaches the program of claim 40 as described above. Eizenburg further teaches the program wherein the stored program establishes a connection with a web server over the Internet, and forwards data related to the travel insurance purchase routine to the web server (paragraph 3).

53. As per claim 42, Eizenburg in view of Kleinberg teaches the program of claim 31 as described above. Eizenburg further teaches the program wherein the stored program establishes a connection with a web server over the Internet, and generating the form remotely at the web server (figure 1, #25 and #20A).

54. As per claim 43, Eizenburg in view of Kleinberg teaches the program of claim 42 as described above. Eizenburg further teaches the program wherein the stored program forwards information related to the travel insurance purchase routine to the web server (paragraphs 31, 80, 82, 88, 89 and 91).

55. As per claim 44, Eizenburg in view of Kleinberg teaches the program of claim 31 as described above. Eizenburg further teaches the program wherein the stored program activates

the travel reservation purchase routine after the travel insurance policy is generated (paragraphs 83 - 91 where each page is separate and the user can click each independently).

56. As per claim 45, Eizenburg in view of Kleinberg teaches the program of claim 44 as described above. Eizenburg further teaches the program wherein data entered during the travel insurance purchase routine is populated into the travel reservation purchase routine (paragraph 82, where the information is grouped together for display).

57. As per claim 46, Eizenburg in view of Kleinberg teaches the program of claim 31 as described above. Eizenburg further teaches the program wherein the stored program populates data fields with information regarding at least one of 1) an identity of one of the purchasers and 2) details pertaining to the travel reservation (figure 45, details).

58. ***Claims 24 – 27 and 48 – 51*** are rejected under 35 U.S.C. 103 (a) as being unpatentable over Eizenburg et al., U.S. Pre-Grant Publication 2002/ 0026336 in view of Cornelius et al., U.S. Patent 6,629,081.

59. As per claim 24, Eizenburg teaches the method of claim 23 as described above. Eizenburg does not explicitly teach the method wherein step (A) further comprises monitoring and capturing keystrokes used to enter data into the software application.

However, Cornelius further teaches the method wherein step (A) further comprises monitoring and capturing keystrokes used to enter data into the software application (column 135, lines 4 – 33).

It would have been obvious to one of ordinary skill in the art to add this feature to Eizenburg. One of ordinary skill in the art would have added this feature:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
- With the motivation to support and automate the conduct of system tests (Cornelius, column 135, lines 5 – 7).

60. As per claim 25, Eizenburg in view of Cornelius teaches the method of claim 24 as described above.

Eizenburg does not explicitly teach the method wherein the keystrokes are monitored and captured via a keyboard interface.

However, Cornelius further teaches the method wherein the keystrokes are monitored and captured via a keyboard interface (column 14, line 63 through column 15, line 14).

It would have been obvious to one of ordinary skill in the art to add this feature to Eizenburg.

One of ordinary skill in the art would have added this feature:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
- With the motivation to support and automate the conduct of system tests (Cornelius, column 135, lines 5 – 7).

61. As per claim 26, Eizenburg in view of Cornelius teaches the method of claim 25 as described above. Eizenburg further teaches the method wherein the transaction data is travel-related data (paragraph 27, global distribution system and reservation).

62. As per claim 27, Eizenburg in view of Cornelius teaches the method of claim 26 as described above. Eizenburg further teaches the method wherein the travel-related data is PNR data (paragraph 61 and 76).

63. As per claim 48, Eizenburg teaches the program of claim 47 as described above. Eizenburg does not explicitly teach the program wherein the stored program monitors and captures keystrokes used to enter data into the software application.
However, Cornelius further teaches the program wherein the stored program monitors and captures keystrokes used to enter data into the software application (column 135, lines 4 – 33). It would have been obvious to one of ordinary skill in the art to add this feature to Eizenburg. One of ordinary skill in the art would have added this feature:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
- With the motivation to support and automate the conduct of system tests (Cornelius, column 135, lines 5 – 7).

64. As per claim 49, Eizenburg in view of Cornelius teaches the program of claim 48 as described above.
Eizenburg does not explicitly teach the program wherein the keystrokes are monitored and captured via a keyboard interface.
However, Cornelius further teaches the program wherein the keystrokes are monitored and captured via a keyboard interface (column 14, line 63 through column 15, line 14).

It would have been obvious to one of ordinary skill in the art to add this feature to Eizenburg. One of ordinary skill in the art would have added this feature:

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.
- With the motivation to support and automate the conduct of system tests (Cornelius, column 135, lines 5 – 7).

65. As per claim 50, Eizenburg in view of Cornelius teaches the program of claim 49 as described above. Eizenburg further teaches the program wherein the transaction data is travel-related data (paragraph 27, global distribution system and reservation).

66. As per claim 51, Eizenburg in view of Cornelius teaches the program of claim 50 as described above. Eizenburg further teaches the program wherein the travel-related data is PNR data (paragraph 61 and 76).

Conclusion

67. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walker et al., U.S. Patent 6,356,878

Rosenbluth, U.S. Pre-Grant Publication 2002/ 0019821

Schiff et al., U.S. Pre-Grant Publication 2003/ 0004760

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neal R. Sereboff whose telephone number is (571) 270-1373. The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/N. R. S./
Examiner, Art Unit 3626
2/18/2009

/Robert Morgan/
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